

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WELLINGTON BRIONES and LUIS JULIAN RAYON,
individually and on behalf of others similarly situated,

Plaintiffs,

-against-

STARJEM RESTAURANT CORP (d/b/a FRESCO BY SCOTTO), MARION SCOTTO, and ANTHONY SCOTTO,

Defendants.

Civil Action No. 15-cv-4646
(GHW)(KNF)

ECF Case

STIPULATION AND ORDER OF DISMISSAL

IT IS HERBY STIPULATED AND AGREED by the parties in the above captioned matter, through their undersigned counsel, and hereby ORDERED by the Court's signature below, that:

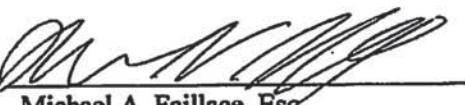
Pursuant to the Fairness Hearing held on May 6, 2016, the Settlement Agreement and General Release entered into by the parties (Docket Entry No. 32-1) is hereby approved by the Court, as modified with respect to Plaintiffs' counsel's requested attorneys' fees as set forth on the record, and is determined to be a fair and reasonable settlement of a bona fide dispute under, *inter alia*, the Fair Labor Standards Act in accordance with *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) and *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332 (S.D.N.Y. 2012).

Plaintiffs' Complaint and all of Plaintiffs' claims asserted in this action are hereby dismissed immediately, without prejudice and without costs to either party, subject to restoration of the action to the active calendar of the Court by letter application of Plaintiffs within one hundred and twenty (120) days of the date the Court signs this stipulation and order.

If this matter is not restored within one hundred and twenty (120) days of the Court's signature of this stipulation and order, then Plaintiffs' Complaint and all of Plaintiffs' claims asserted in this action shall be deemed dismissed with prejudiced and without costs to either party.

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By:


Michael A. Faillace, Esq.
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5/17/16

SO ORDERED:


HONORABLE GREGORY H. WOODS
UNITED STATES DISTRICT JUDGE

FOX ROTHSCHILD LLP
Attorneys for Defendants
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By:


Carolyn D. Richmond, Esq.
Alexander W. Leonard, Esq.

5/19/16

DATED: New York, New York
May 24, 2016